

REMARKS

Claims 10 and 39-45 are pending in this application. Except for claim 44, all of these claims have been rejected under 35 USC 103(a) as being unpatentable over Johnsen in view of Shah et al. Claim 44 has been rejected under 35 USC 103(a) as being unpatentable over Johnsen in view of Shah and O'Hagan. Thus, all pending claims are rejected for at least the reason that Johnsen discloses many of the claimed elements.

Applicants have amended their independent claims to clarify that the delivery system claimed requires the use of a motorized vehicle such as, for example, the truck 7600 shown in Figure 13 and discussed on page 32 of the specification. In contrast, Johnsen discloses a shopping display system for organizing a shopping list that is installed on a shopping cart, which is not motorized. (See Fig. 1). Nor is it an obvious variant to make a shopping cart motorized, since shopping carts as a rule are mechanical devices with no motors. Accordingly, it is respectfully suggested that Johnsen is now inappropriate to cite as prior art against the pending claims, thus obviating the obviousness rejection against independent claims 10, 39 and 45 and their corresponding dependent claims.

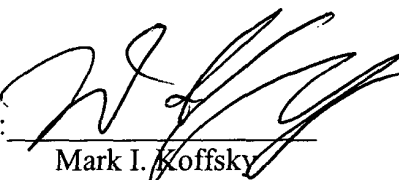
CONCLUSION

Applicants respectfully submit that pending claims 10 and 39-45 contained allowable subject matter.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 that are not enclosed herewith, please charge such fees to Deposit Account No. 19-5407.

Should the Examiner be of the view that a telephone interview would expedite consideration of these remarks please call the undersigned at (631) 738-5586.

Respectfully submitted,

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APPENDIX

MARKED-UP VERSION OF AMENDED CLAIMS PURSUANT TO 37 CFR
1.121(c)(1)(ii)

10. (Amended). A vehicle cradle for housing a portable terminal in a motorized vehicle used to deliver items to a destination address, said cradle comprising:

- a housing for receiving the portable terminal in a fixed location;
- a power management system for delivering power to the portable terminal when received in the fixed position;
- a communication port for communicating data from the motorized vehicle cradle to the portable terminal; and
- a GPS system locator coupled to said communication port for generating a location signal and transmitting said signal to the portable terminal;

whereby the location of the motorized vehicle is transmitted to the portable terminal by the vehicle cradle.

39. (Amended). A system for fulfilling orders placed from a remote computer, said system comprising:

- a communication network for communicating an order from the remote computer to a central order processor, said order including a customer destination location for delivering a completed order;
- a portable terminal having a data communication network connection for retrieving the order from the central order processor; and

a motorized delivery vehicle for delivering goods to a customer location, said motorized delivery vehicle including a portable data collection terminal and a vehicle cradle for said portable collection terminal.

45. A vehicle cradle for receiving a portable terminal in a motorized vehicle, said cradle comprising:

a battery charger for charging the battery of a portable terminal;

a portable terminal receiving housing for receiving the portable terminal and holding said terminal in a fixed position;

a communication port for receiving data from the portable terminal; and

a signal transmitter for transmitting the data received from the portable terminal over a wide area wireless communication network.